



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPELLANT: Koeller

ATTY. DKT. NO.: KOE-P-03-001

SERIAL NO.: 10/681,635

EXAMINER: Davis

FILING DATE: October 8, 2003

GROUP ART UNIT: 3611

INVENTION: "A MAGNETIC IMAGE ASSEMBLY TO MOUNT ON GARAGE DOOR  
PANELS AND A SYSTEM AND A METHOD FOR DECORATING A  
GARAGE DOOR"

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**APPEAL BRIEF**

SIR/MADAM:

This Appeal Brief is filed in support of the Notice of Appeal dated November 19, 2007. The Notice of Appeal was filed in conjunction with the Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) dated November 19, 2007. The Office of Petitions issued an affirmative decision on the Petition on January 3, 2008. The Appeal was taken from a Final Rejection dated April 5, 2007.

**I. REAL PARTY IN INTEREST**

David Koeller is the real party in interest in this Appeal.

**II. RELATED APPEALS AND INTERFERENCES**

No other appeals or interferences are known to Appellant or Appellant's legal representative which will directly affect, be directly affected by, or have a bearing on the Board's decision in

this appeal.

### **III. STATUS OF CLAIMS**

Claims 1-20 are pending in this patent application. Claims 1-20 were finally rejected by the Examiner in a Final Rejection dated April 5, 2007 and are hereby on appeal. A copy of Claims 1-20 which are subject to this appeal are appended hereto as the Claims Appendix. The Final Rejection is appended hereto as Exhibit A of the Evidence Appendix.

### **IV. STATUS OF AMENDMENTS**

All amendments have been entered in this patent application. No amendments to the claims were made after the Final Rejection.

### **V. SUMMARY OF CLAIMED SUBJECT MATTER**

The present invention generally relates to a magnetic image assembly to mount on garage door panels and a system and a method for decorating a garage door. More specifically, the present invention relates to an assembly, a system and a method that provides a magnetic image assembly to mount on a garage door having printed designs, pictures and/or indicia wherein the use of more than one of the covers creates an image on the garage door.

Independent Claim 1 defines a magnetic cover assembly for mounting on two or more garage door panels. FIG. 1 illustrates a garage door 10 which may have a top row of garage door panels 12. Additionally, the garage door 10 may have a second row of garage door panels 14. Further, the garage door 10 may have a third row

of garage door panels 16. Still further, the garage door 10 may have a bottom row of garage door panels 18. Preferably the garage door panels are constructed from a metal or other material which attracts a magnet. (See page 7, lines 20-26.) FIG. 1 further illustrates a top magnetic image 22 which may attach to the top row of the garage door panels 12. A second magnetic image 24 may attach to the second row of the garage door panels 14. Further, a third magnetic image 26 may attach to the bottom row of the garage door panels 16. Moreover, a bottom magnetic image 28 may attach to the bottom row of the garage door panels 18. (See page 7, lines 27-33.) The magnetic images 22, 23, 26 and 28 may be connected to a first layer 30. (See page 7, line 33 and page 8, line 1.)

Independent Claim 1 requires a first sheet having a first planar side and a second planar side wherein the first planar side of the first sheet is oppositely juxtaposed to the second planar side of the first sheet wherein the first planar side of the first sheet is attached to the second planar side of the first sheet with a bonding layer. FIG. 3 illustrates a cross-sectional view of the magnetic image 22 and the top row of garage door panels 12 as taken along line III-III of FIG. 1. FIG. 3 illustrates the first layer 30 which may be attached to the second layer 42 with a bonding layer 60. The bonding layer 60 may be a liquid epoxy resin, such as, for example, a diglycidyl ether bisphenol A (DGEBA) or the like. (See page 10, lines 8-14.) Further, independent Claim 1

requires that the first planar side of the first sheet is a first magnetic layer to removably and magnetically attach the first sheet to a first garage door panel. FIGS. 1-4 illustrate that first layer 30 which may be constructed from a magnetic layer, such as, for example, a flexible magnetic sheeting wherein the magnetic layer may attach to the garage door panels. (See page 8, lines 2-4.)

Further, independent Claim 1 requires that the first planar side of the first sheet has a first thickness defined between a top surface and a bottom surface of the first planar side of the first sheet wherein the bottom surface of the first planar side contacts the first garage door panel wherein the second planar side of the first sheet has a second thickness defined between a front surface and a rear surface of the second planar side of the first sheet wherein the rear surface is adjacent to the top surface of the first planar side of the first sheet and further wherein the first thickness is greater than the second thickness. FIGS. 1-3 illustrate the first layer 30 of the magnetic images 22, 24, 26 and 28 which may be attached to the rows of garage door panels 12, 14, 16 and 18, respectively. The second layers of the magnetic images 42, 44, 46 and 48 may be attached to the first layer 30 of the magnetic images 22, 24, 26 and 28, respectively. (See page 9, lines 31-33 and page 10, lines 1-3.) The magnetic sheeting of the first layer 30 may have a thickness of, for example, 0.030 inches. (See

page 8, lines 8-9.) FIG. 1 is representative of the sizes and/or relative thickness of the layers in the present invention. (See page 10, lines 32-33.)

Moreover, independent Claim 1 requires a second sheet having a first planar side and a second planar side wherein the first planar side of the second sheet is oppositely juxtaposed to the second planar side of the second sheet wherein the first planar side of the second sheet is a second magnetic layer to removably and magnetically attach the second sheet to a second garage door panel wherein the second sheet has a length defined by a first end and a second end wherein the second sheet has a width defined between a top end and a bottom end wherein the length is greater than the width wherein the first sheet and the second sheet align to create an image encompassing the first garage door panel and the second garage door panel wherein the first sheet and the second sheet have no wires and are not electrically connectable. FIGS. 1-3 illustrate the first layer 30 of the magnetic images 22, 24, 26 and 28 which may be attached to the rows of garage door panels 12, 14, 16 and 18, respectively. The second layers of the magnetic images 42, 44, 46 and 48 may be attached to the first layer 30 of the magnetic images 22, 24, 26 and 28, respectively. Moreover, the images on the second layers of the magnetic images 42, 44, 46 and 48 may align to construct the decorative design and/or the personal message or a segment of the decorative design and/or the personal

message. (See page 9, lines 31-33 and page 10, lines 1-7.)

Independent Claim 10 defines a decorative display system for a door. Independent Claim 10 requires a plurality of door panels that connect to the door. FIG. 1 illustrates a garage door 10 which may have a top row of garage door panels 12. Additionally, the garage door 10 may have a second row of garage door panels 14. Further, the garage door 10 may have a third row of garage door panels 16. Still further, the garage door 10 may have a bottom row of garage door panels 18. Preferably the garage door panels are constructed from a metal or other material which attracts a magnet. (See page 7, lines 20-26.)

Further, independent Claim 10 requires a plurality of magnetic sheets wherein each of the plurality of sheets has a front side and a backside wherein the front side is opposite to the backside. FIG. 1 illustrates a top magnetic image 22 which may attach to the top row of the garage door panels 12. A second magnetic image 24 may attach to the second row of the garage door panels 14. Further, a third magnetic image 26 may attach to the bottom row of the garage door panels 16. Moreover, a bottom magnetic image 28 may attach to the bottom row of the garage door panels 18. (See page 7, lines 27-33.)

Still further, independent Claim 10 requires that the front side is attached to the backside with a bonding layer wherein the backside removably and magnetically attaches to the plurality of

door panels wherein each of the magnetic sheets has a length defined between a first end and a second end wherein each of the magnetic sheets has a width defined between a top end and a bottom end. FIG. 3 illustrates a cross-sectional view of the magnetic image 22 and the top row of garage door panels 12 as taken along line III-III of FIG. 1. FIG. 3 illustrates the first layer 30 which may be attached to the second layer 42 with a bonding layer 60. The bonding layer 60 may be a liquid epoxy resin, such as, for example, a diglycidyl ether bisphenol A (DGEBA) or the like. (See page 10, lines 8-14.)

Moreover, independent Claim 10 requires an image printed on the front sides of the plurality of magnetic sheets wherein a design is created by aligning the plurality of magnetic sheets on the plurality of door panels wherein the plurality of magnetic sheets align along the length to create the design wherein the plurality of magnetic sheets are aligned without wires and without electrical connection between each of the plurality of magnetic sheets. The second layer 42, 44, 46 and 48 may be constructed from a printable medium, for example, vinyl or the like, which may be capable of receiving images. Further, the images on the second layers 42, 44, 46 and 48 may be generated by a printer. (See page 8, lines 12-16.) The images on the second layers of the magnetic images 42, 44, 46 and 48 may align to construct the decorative design and/or the personal message or a segment of the decorative

design and/or the personal message. (See page 10, lines 4-7.)

Independent Claim 15 defines a method for decorating a garage door wherein the garage door is divided into garage door panels wherein each of the garage door panels has a surface area defined by a length of the garage door panel and a width of the garage door panel wherein the length of the garage door panel is defined between a first end and a second end and the width of the garage door panel is defined between a top end and a bottom end. FIG. 1 illustrates a garage door 10 which may have a top row of garage door panels 12. Additionally, the garage door 10 may have a second row of garage door panels 14. Further, the garage door 10 may have a third row of garage door panels 16. Still further, the garage door 10 may have a bottom row of garage door panels 18. Preferably the garage door panels are constructed from a metal or other material which attracts a magnet. (See page 7, lines 20-26.)

Independent Claim 15 requires the step of creating a decorative design. FIG. 1 illustrates a decorative image that may be a multi-colored image generated by a computer. (See page 8, lines 17-18.) Further, independent Claim 15 requires the step of separating the decorative design into a plurality of segmented images. FIG. 1 further illustrates a top magnetic image 22 which may attach to the top row of the garage door panels 12. A second magnetic image 24 may attach to the second row of the garage door panels 14. Further, a third magnetic image 26 may attach to the

bottom row of the garage door panels 16. Moreover, a bottom magnetic image 28 may attach to the bottom row of the garage door panels 18. (See page 7, lines 27-33.)

Still further, independent Claim 15 requires the printing the plurality of segmented images on a corresponding plurality of magnetic sheets have a magnetic backing wherein the plurality of magnetic sheets have front sides that receive the plurality of segmented images wherein the plurality of magnetic sheets are sized to attach the plurality of magnetic sheets with the magnetic backing to a majority of the surface area of each of the garage door panels. FIG. 3 illustrates a cross-sectional view of the magnetic image 22 and the top row of garage door panels 12 as taken along line III-III of FIG. 1. FIG. 3 illustrates the first layer 30 which may be attached to the second layer 42 with a bonding layer 60. (See page 10, lines 8-14.) Further, independent Claim 1 requires that the first planar side of the first sheet is a first magnetic layer to removably and magnetically attach the first sheet to a first garage door panel. FIGS. 1-4 illustrate that first layer 30 which may be constructed from a magnetic layer, such as, for example, a flexible magnetic sheeting wherein the magnetic layer may attach to the garage door panels. (See page 8, lines 2-4.) The second layer 42, 44, 46 and 48 may be constructed from a printable medium, for example, vinyl or the like, which may be capable of receiving images. Further, the images on the second

layers 42, 44, 46 and 48 may be generated by a printer. (See page 8, lines 12-16.)

Moreover, independent Claim 15 requires the step of removably and magnetically attaching each of the magnetic sheets to a corresponding one of each of the garage door panels to form the decorative design wherein the plurality of magnetic sheets extend from a first edge positioned at the first end of the garage door panel to a second edge positioned at the second end of the garage door panel wherein the plurality of magnetic sheets have no wires and are not electrically connected. FIG. 1 further illustrates a top magnetic image 22 which may attach to the top row of the garage door panels 12. A second magnetic image 24 may attach to the second row of the garage door panels 14. Further, a third magnetic image 26 may attach to the bottom row of the garage door panels 16. Moreover, a bottom magnetic image 28 may attach to the bottom row of the garage door panels 18. (See page 7, lines 27-33.)

#### **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

1. Would Claims 1-3, 7-12 and 14-18 have been obvious under 35 U.S.C. §103(a) to one having ordinary skill in the art at the time of Appellant's invention over *Vella* (U.S. Patent Publication No. 2005/0055921) in view of *Zinbarg* (U.S. Patent No. 5,943,803) and *Marshall et al.* (U.S. Patent No. 5,503,891)? See *Vella*, *Zinbarg* and *Marshall et al.* attached as Exhibits B, C and D, respectively, of the Evidence Appendix.

2. Would Claims 4-6, 13, 19 and 20 have been obvious under 35 U.S.C. §103(a) to one having ordinary skill in the art at the time of Appellant's invention over *Vella* in view of *Zinbarg* and *Marshall et al.* as applied to Claims 1, 10 and 14 (Appellant notes that Examiner stated Claim "14" in the Office action but Appellant assumes that this is a typographic error and further assumes that Examiner meant to write "...as applied to Claims 1, 10 and 15..."), and further in view of *Blyden et al.* (U.S. Patent No. 6,217,958)? See *Blyden et al.* attached as Exhibit E of the Evidence Appendix.

## **VII. ARGUMENT**

### **A. THE CITED REFERENCES AND THE REJECTIONS OF CLAIMS 1-3, 7-12 AND 14-18 UNDER 35 U.S.C. §103(a)**

Claims 1-3, 7-12 and 14-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Vella* in view of *Zinbarg* and *Marshall et al.*

In the Final Rejection, the Examiner stated:

With respect to Claims 1, 2, (and) 10, *Vella* teaches a plurality of magnetic garage door pads. (See figure 1a). The pads comprise a first sheet 20 having a first planar side 30 and a second planar side 40 wherein the first planar side is oppositely juxtaposed to the second planar side and wherein the first planar side is a magnetic layer for removably attaching the first sheet to the garage door panel. The first planar side 30 has a first thickness defined between a top surface and a bottom surface of the first planar side 30. The second planar side 40 has a second thickness defined between a front surface and a rear surface of the second planar side wherein the rear surface is adjacent to the top surface. *Vella* also teaches the first thickness (the thickness of the magnetic side 30) is greater than the

second thickness (the thickness of the intermediate layer 40). (See figure 4). In addition, Vella teaches the second side has graphical representation 50 and a protective coating 60 over the graphical representation.

Vella does not teach the plurality of pads aligned to create an image that encompass more than one of the garage door panels or the thickness of the magnetic layer greater than the thickness of the first planar side.

Zinbarg teaches a garage door cover comprising a plurality of covers adapted to adhesively cover the entire surface of each garage door panel. Wherein each cover has a portion of an image such that when placed on the panels of the garage door a composite image is presented. (See figure 1).

Marshall et al. teaches a flexible magnetic mat comprising a magnetic surface 14 and a display surface 12 laminated to the magnetic surface using an adhesive, wherein the adhesive corresponds to the bonding layer. See column 2, lines 40-62. In addition, Marshall et al. teaches the thickness of the magnetic layer at its lower limits to be 0.25mm and the thickness of the display surface 12 at its lower limit to be 0.175, wherein the thickness of the magnetic layer is greater than the thickness of the display surface.

Since Vella teaches the pad can be cut to a user-defined shape and size, it would have been obvious to one having ordinary skill in the art at the time this invention was made to provide a plurality of magnetic pads taught by Vella cut into long strips as taught by Zinbarg to provide a means to cover the entire surface area of the each panel of a garage door to enhance the aesthetic appearance of the door or to convey a desired message. In addition, it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the magnetic and display sheet taught by Vella and Zinbarg laminated together as taught by Marshall et al. to provide a means to permanently secure the sheets together.

With respect to Claims 3, 7, 14 and 18, Vella teaches a protective layer 60.

With respect to Claims 8, 9, 11, 16, Vella, Marshall et al. and Zinbarg teach indicia or graphics on the panels. Since textual indicia do not have an unobvious functional relationship with the panel, it appears using any suitable indicia would perform equally well in conveying a desired message. It would have been obvious at the time this invention was made to place whatever desired indicia on the panel to convey a desired message.

With respect to Claims 15, *Zinbarg* teaches providing a garage door having a plurality of panel, providing a sheet with graphic or indicia thereon, cutting the sheet to the size of each garage door panel and attaching the cut sheet to the panels.

(See Final Rejection, Pages 2-4 of Exhibit A of the Supplemental Appendix.)

**B. CLAIMS 1-3, 7-12 AND 14-18 WOULD NOT HAVE BEEN  
OBVIOUS TO ONE HAVING ORDINARY SKILL IN THE ART  
AT THE TIME OF APPELLANT'S INVENTION OVER  
VELLA IN VIEW OF ZINBARG AND MARSHALL ET AL.**

With respect to the rejection of Claims 1-3, 7-12 and 14-18 under 35 U.S.C. §103(a) as being unpatentable over *Vella* in view of *Zinbarg* and *Marshall et al.*, Appellant respectfully submits that Claims 1-3, 7-12 and 14-18 distinctly define the present invention from *Vella*, *Zinbarg* and *Marshall et al.*, taken singly or in combination, for the reasons that follow.

Independent Claim 1 requires a magnetic cover assembly for mounting on two or more garage door panels having a first sheet having a first planar side and a second planar side. The first planar side of the first sheet is oppositely juxtaposed to the second planar side of the first sheet. Further, the first planar side of the first sheet is attached to the second planar side of the first sheet with a bonding layer. Still further, the first planar side of the first sheet is a first magnetic layer to removably and magnetically attach the first sheet to a first garage door panel. Moreover, independent Claim 1 requires a second sheet having a first planar side and a second planar side. The first

planar side of the second sheet is oppositely juxtaposed to the second planar side of the second sheet wherein the first planar side of the second sheet is a second magnetic layer to removably and magnetically attach the second sheet to a second garage door panel.

Independent Claim 10 requires a decorative display system for a door having a plurality of door panels. Further, independent Claim 10 requires a plurality of magnetic sheets. Each of the plurality of sheets has a front side and a backside, and the front side is opposite to the backside. The front side is attached to the backside with a bonding layer, and the backside removably and magnetically attaches to the plurality of door panels.

Independent Claim 15 requires a method for decorating a garage door wherein the garage door is divided into garage door panels. Each of the garage door panels has a surface area defined by a length of the garage door panel and a width of the garage door panel. The length of the garage door panel is defined between a first end and a second end and the width of the garage door panel is defined between a top end and a bottom end. The method of independent Claim 15 requires the step of printing the plurality of segmented images on a corresponding plurality of magnetic sheets having a magnetic backing. The plurality of magnetic sheets have front sides that receive the plurality of segmented images. The plurality of magnetic sheets are sized to attach the plurality of

magnetic sheets with the magnetic backing to a majority of the surface area of each of the garage door panels. Further, the method of independent Claim 15 requires the step of removably and magnetically attaching each of the magnetic sheets to a corresponding one of each of the garage door panels to form the decorative design. The plurality of magnetic sheets extend from a first edge positioned at the first end of the garage panel to a second edge positioned at the second end of the garage panel.

Contrary to the assertions of the Patent Office, *Vella* merely teaches a magnetic pad that displays graphic representation of a window or a door. In addition, *Zinbarg* merely teaches a garage door decorative cover with fixing members to couple the panel to a garage door panel. *Marshall et al.* merely teach a display mat for receiving magnetic symbols wherein the display mat is flexible and magnet attractant.

With respect to independent Claim 1, clearly, none of *Vella*, *Zinbarg* or *Marshall et al.*, taken singly or in combination, teach or suggest that the first planar side of the first sheet is attached to the second planar side of the first sheet with a bonding layer as required by independent Claim 1. Further, none of *Vella*, *Zinbarg* or *Marshall et al.*, taken singly or in combination, teach or suggest that the first planar side of the first sheet is a first magnetic layer to removably and magnetically attach the first sheet to a first garage door panel as required by independent

Claim 1. Moreover, none of *Vella*, *Zinbarg* or *Marshall et al.*, taken singly or in combination, teach or suggest that the first planar side of the second sheet is a second magnetic layer to removably and magnetically attach the second sheet to a second garage door panel as required by independent Claim 1.

Contrary to Appellant's claimed invention, *Vella* merely teaches a magnetic pad having a sheet 20. The sheet 20 has a first side having a magnetic material 30 and a second side 40. The second side 40 displays a graphic representation 50, and the graphic representation is chosen from a window or a door. (See *Vella*, page 2, paragraphs 59-62.)

Further contrary to Appellant's claimed invention, *Zinbarg* merely teaches that fixing means 44 are provided for coupling each cover panel 42, 34, 36, 38 to the outer surface 24, 26, 28, 30 of respective garage door panels 14, 16, 18, 20. Further, each fixing means 44 (and a plurality of spaced-apart fixing means may be used) is preferably a piece of removable, non-marring, double-sided foam tape. (See *Zinbarg*, col. 3, lines 35-42.) The fixing means 44 are positioned to the outer surface 24 of a first garage door panel 32 at the lateral sides of the garage door panel 32. (See *Zinbarg*, col. 3, lines 44-49.)

Still further contrary to Appellant's claimed invention, *Marshall et al.* merely teach a mat 10 having a display surface 12 and a magnet attractant substrate 14 to receive magnetic symbols.

The magnet attractant substrate is a ferrous/ferrite filled polymer sheet and is not magnetic. In the Office Action, the Examiner incorrectly alleged that "*Marshall et al.* teaches a flexible magnetic mat comprising a magnetic surface 14 and a display surface 12 laminated to the magnetic surface using an adhesive, wherein the adhesive corresponds to the bonding layer." On the contrary, *Marshall et al.* teach a magnetic attractant substrate 14 and not a "magnetic surface 14" as alleged by the Examiner. (See *Marshall et al.*, col. 2, lines 8-15.) The magnetic attractant substrate 14 is capable of being attracted to the magnetic symbols because it is ferrous/ferrite; however, the magnetic attractant substrate 14 is not magnetized. In other words, the magnetic attractant substrate 14 of *Marshall et al.* does not create a magnetic field attracting the mat 10 to a ferrous/ferrite surface. Alternatively, the magnetic attractant substrate 14 of *Marshall et al.* may be attracted by a magnetic field of another magnetized article. Appellant respectfully submits that the Examiner clearly misunderstands and, therefore, misapplies the teachings of *Marshall et al.*

Therefore, nowhere do *Vella*, *Zinbarg* or *Marshall et al.*, taken singly or in combination, teach or suggest that the first planar side of the first sheet is attached to the second planar side of the first sheet with a bonding layer as required by independent Claim 1. Further, nowhere do *Vella*, *Zinbarg* or *Marshall et al.*,

taken singly or in combination, teach or suggest that the first planar side of the first sheet is a first magnetic layer to removably and magnetically attach the first sheet to a first garage door panel as required by independent Claim 1. Moreover, nowhere do *Vella*, *Zinbarg* or *Marshall et al.*, taken singly or in combination, teach or suggest that the first planar side of the second sheet is a second magnetic layer to removably and magnetically attach the second sheet to a second garage door panel required by independent Claim 1.

With respect to independent Claim 10, clearly, none of *Vella*, *Zinbarg* or *Marshall et al.*, taken singly or in combination, teach or suggest a plurality of magnetic sheets wherein each of the plurality of sheets has a front side and a backside as required by independent Claim 10. Further, none of *Vella*, *Zinbarg* or *Marshall et al.*, taken singly or in combination, teach or suggest that the front side is attached to the backside with a bonding layer, and the backside removably and magnetically attaches to the plurality of door panels as required by independent Claim 10.

Contrary to Appellant's claimed invention, *Vella* merely teaches a magnetic pad having a sheet 20. The sheet 20 has a first side having a magnetic material 30 and a second side 40. The second side 40 displays a graphic representation 50, and the graphic representation is chosen from a window or a door. The Patent Office admits that "*Vella* does not teach the plurality of

pads aligned to create an image that encompass more than one of the garage door panels". *Zinbarg* merely teaches that fixing means 44 are provided for coupling each cover panel 42, 34, 36, 38 to the outer surface 24, 26, 28, 30 of respective garage door panels 14, 16, 18, 20. Further, each fixing means 44 (and a plurality of spaced-apart fixing means may be used) is preferably a piece of removable, non-marring, double-sided foam tape. The fixing means 44 are positioned to the outer surface 24 of a first garage door panel 32 at the lateral sides of the garage door panel 32. *Marshall et al.* merely teach a mat 10 having a display surface 12 and a magnet attractant substrate 14 to receive magnetic symbols and is misapplied by the Examiner for the reasons stated above with respect to independent Claim 1.

Therefore, nowhere do *Vella, Zinbarg or Marshall et al.*, taken singly or in combination, teach or suggest a plurality of magnetic sheets wherein each of the plurality of sheets has a front side and a backside as required by independent Claim 10. Further, nowhere do *Vella, Zinbarg or Marshall et al.*, taken singly or in combination, teach or suggest that the front side is attached to the backside with a bonding layer, and the backside removably and magnetically attaches to the plurality of door panels as required by independent Claim 10.

With respect to independent Claim 15, clearly, none of *Vella, Zinbarg or Marshall et al.*, taken singly or in combination, teach

or suggest the step of printing the plurality of segmented images on a corresponding plurality of magnetic sheets having a magnetic backing as required by independent Claim 15. Further, none of *Vella*, *Zinbarg* or *Marshall et al.*, taken singly or in combination, teach or suggest that the plurality of magnetic sheets have front sides that receive the plurality of segmented images as required by independent Claim 15. Still further, none of *Vella*, *Zinbarg* or *Marshall et al.*, taken singly or in combination, teach or suggest that the plurality of magnetic sheets are sized to attach the plurality of magnetic sheets with the magnetic backing to a majority of the surface area of each of the garage door panels as required by independent Claim 15. Still further, none of *Vella*, *Zinbarg* or *Marshall et al.*, taken singly or in combination, teach or suggest the step of removably and magnetically attaching each of the magnetic sheets to a corresponding one of each of the garage door panels to form the decorative design as required by independent Claim 15.

Contrary to Appellant's claimed invention, *Vella* merely teaches a magnetic pad having a sheet 20. The sheet 20 has a first side having a magnetic material 30 and a second side 40. The second side 40 displays a graphic representation 50, and the graphic representation is chosen from a window or a door. The Patent Office admits that "*Vella* does not teach the plurality of pads aligned to create an image that encompass more than one of the

garage door panels". *Zinbarg* merely teaches that fixing means 44 are provided for coupling each cover panel 42, 34, 36, 38 to the outer surface 24, 26, 28, 30 of respective garage door panels 14, 16, 18, 20. Further, each fixing means 44 (and a plurality of spaced-apart fixing means may be used) is preferably a piece of removable, non-marring, double-sided foam tape. The fixing means 44 are positioned to the outer surface 24 of a first garage door panel 32 at the lateral sides of the garage door panel 32. *Marshall et al.* merely teach a mat 10 having a display surface 12 and a magnet attractant substrate 14 to receive magnetic symbols and is misapplied by the Examiner for the reasons stated above with respect to independent Claim 1.

Therefore, nowhere do *Vella, Zinbarg* or *Marshall et al.*, taken singly or in combination, teach or suggest the step of printing the plurality of segmented images on a corresponding plurality of magnetic sheets having a magnetic backing as required by independent Claim 15. Further, nowhere do *Vella, Zinbarg* or *Marshall et al.*, taken singly or in combination, teach or suggest that the plurality of magnetic sheets have front sides that receive the plurality of segmented images as required by independent Claim 15. Still further, nowhere do *Vella, Zinbarg* or *Marshall et al.*, taken singly or in combination, teach or suggest that the plurality of magnetic sheets are sized to attach the plurality of magnetic sheets with the magnetic backing to a majority of the surface area

of each of the garage door panels as required by independent Claim 15. Still further, nowhere do *Vella, Zinbarg* or *Marshall et al.*, taken singly or in combination, teach or suggest the step of removably and magnetically attaching each of the magnetic sheets to a corresponding one of each of the garage door panels to form the decorative design as required by independent Claim 15.

Moreover, a person of ordinary skill in the art would never have been motivated to combine *Vella, Zinbarg* and/or *Marshall et al.* in the manner suggested by the Patent Office in formulating the rejection under 35 U.S.C. §103(a). Appellant submits that the Patent Office is merely "piece-mealing" references together, providing various teachings and positively defined limitations of Appellant's assembly, system and method to deprecate the claimed invention. Of course, hindsight reconstruction of Appellant's invention is impermissible.

With the analysis of the deficiencies of *Vella, Zinbarg* and *Marshall et al.* in mind, no reason or suggestion in the evidence of record exists why one of ordinary skill in the art would have been led to combine *Vella, Zinbarg* and *Marshall et al.* in the manner suggested by the Patent Office in formulating the rejection under 35 U.S.C. §103(a). Therefore, *prima facie* obviousness has not been established by the Patent Office as required under 35 U.S.C. §103(a).

It is submitted that the question under §103 is whether the

totality of the art would collectively suggest the claimed invention to one of ordinary skill in this art. In re Simon, 461 F.2d 1387, 174 USPQ 114 (CCPA 1972).

Appellant further submits that one having ordinary skill in the art at the time of Appellant's invention would never have been motivated to combine *Vella*, *Zinbarg* and/or *Marshall et al.* in the manner suggested by the Patent Office in formulating the rejection under 35 U.S.C. §103(a).

That elements, even distinguishing elements, are disclosed in the art is alone insufficient. It is common to find elements somewhere in the art. Moreover, most, if not all, elements perform their ordained and expected functions. The test is whether the invention as a whole, in light of all the teachings of the references in their entireties, would have been obvious to one of ordinary skill in the art at the time the invention was made. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1545, 220 USPQ 193 (Fed. Cir. 1983).

Appellant submits that the Patent Office has merely located components of Appellant's claimed invention. However, that the art disclosed components of Appellant's claimed invention, either separately or used in other combinations, is insufficient. A teaching, suggestion, or incentive must exist to make the combination made by Appellant. *Interconnect Planning Corp. v. Feil*, 774 F. 2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1988).

Even assuming that one having ordinary skill in the art could somehow have combined *Vella*, *Zinbarg* and/or *Marshall et al.* as set forth by the Patent Office, the resultant combination still lacks the novel elements and steps positively recited in independent Claims 1, 10 and 15, respectively. Further, *Vella*, *Zinbarg* and/or *Marshall et al.*, taken singly or in combination, do not teach or suggest that the first planar side of the first sheet is attached to the second planar side of the first sheet with a bonding layer as required by independent Claim 1. Further, *Vella*, *Zinbarg* and/or *Marshall et al.*, taken singly or in combination, do not teach or suggest that the first planar side of the first sheet is a first magnetic layer to removably and magnetically attach the first sheet to a first garage door panel as required by independent Claim 1. Moreover, *Vella*, *Zinbarg* and/or *Marshall et al.*, taken singly or in combination, do not teach or suggest that the first planar side of the second sheet is a second magnetic layer to removably and magnetically attach the second sheet to a second garage door panel as required by independent Claim 1.

Still further, *Vella*, *Zinbarg* and/or *Marshall et al.*, taken singly or in combination, do not teach or suggest a plurality of magnetic sheets wherein each of the plurality of sheets has a front side and a backside as required by independent Claim 10. Further, *Vella*, *Zinbarg* and/or *Marshall et al.*, taken singly or in combination, do not teach or suggest that the front side is

attached to the backside with a bonding layer, and the backside removably and magnetically attaches to the plurality of door panels as required by independent Claim 10.

Still further, *Vella, Zinbarg* and/or *Marshall et al.*, taken singly or in combination, do not teach or suggest the step of printing the plurality of segmented images on a corresponding plurality of magnetic sheets having a magnetic backing as required by independent Claim 15. Still further, *Vella, Zinbarg* and/or *Marshall et al.*, taken singly or in combination, do not teach or suggest that the plurality of magnetic sheets have front sides that receive the plurality of segmented images as required by independent Claim 15. Still further, *Vella, Zinbarg* and/or *Marshall et al.*, taken singly or in combination, do not teach or suggest that the plurality of magnetic sheets are sized to attach the plurality of magnetic sheets with the magnetic backing to a majority of the surface area of each of the garage door panels as required by independent Claim 15. Still further, *Vella, Zinbarg* and/or *Marshall et al.*, taken singly or in combination, do not teach or suggest the step of removably and magnetically attaching each of the magnetic sheets to a corresponding one of each of the garage door panels to form the decorative design as required by independent Claim 15.

With the analysis of the deficiencies of *Vella, Zinbarg* and *Marshall et al.*, taken singly or in combination, as enumerated

above, no reason or suggestion in the evidence of record exists why one of ordinary skill in the art at the time of Appellant's invention would have been led to combine *Vella, Zinbarg* and *Marshall et al.* to produce the claimed invention. Therefore, *prima facie* obviousness has not been established by the Patent Office as required under 35 U.S.C. §103(a). Therefore, Appellant submits that the rejection of independent Claims 1, 10 and 15 under 35 U.S.C. §103(a) is improper and should be reversed.

Dependent Claim 2 depends from independent Claim 1 and further requires an image on the second planar side of the first sheet. Nowhere do *Vella, Zinbarg* and/or *Marshall et al.*, taken singly or in combination, teach or suggest the assembly of independent Claim 1 from which Claim 2 depends. Therefore, *Vella, Zinbarg* and *Marshall et al.*, taken singly or in combination, fail to teach or suggest the assembly of independent Claim 1 having an image on the second planar side of the first sheet. The differences between Claim 2 and the teachings of *Vella, Zinbarg* and *Marshall et al.* are such that the subject matter as a whole would not have been obvious at the time the invention was made to a person of ordinary skill in the art.

With the analysis of the deficiencies of *Vella, Zinbarg* and *Marshall et al.*, as enumerated above, no reason or suggestion in the evidence of record exists why one of ordinary skill in the art would have been led to combine *Vella, Zinbarg* and *Marshall et al.*,

to produce the claimed invention. Therefore, *prima facie* obviousness has not been established by the Patent Office as required under 35 U.S.C. §103. Dependent Claim 2 is further believed allowable over the references of record for the same reasons set forth above with respect to independent Claim 1 since it sets forth additional novel elements of Appellant's assembly. Therefore, Appellant submits that the rejection of dependent Claim 2 under 35 U.S.C. §103(a) is improper and should be reversed.

Dependent Claim 3 depends from independent Claim 1 and further requires a protective layer to connect to the second planar side of the first sheet. Nowhere do *Vella, Zinbarg* and/or *Marshall et al.*, taken singly or in combination, teach or suggest the assembly of independent Claim 1 from which Claim 3 depends. Therefore, *Vella, Zinbarg* and *Marshall et al.*, taken singly or in combination, fail to teach or suggest the assembly of independent Claim 1 having a protective layer to connect to the second planar side of the first sheet. The differences between Claim 3 and the teachings of *Vella, Zinbarg* and *Marshall et al.* are such that the subject matter as a whole would not have been obvious at the time the invention was made to a person of ordinary skill in the art.

With the analysis of the deficiencies of *Vella, Zinbarg* and *Marshall et al.*, as enumerated above, no reason or suggestion in the evidence of record exists why one of ordinary skill in the art would have been led to combine *Vella, Zinbarg* and *Marshall et al.*,

to produce the claimed invention. Therefore, *prima facie* obviousness has not been established by the Patent Office as required under 35 U.S.C. §103. Dependent Claim 3 is further believed allowable over the references of record for the same reasons set forth above with respect to independent Claim 1 since it sets forth additional novel elements of Appellant's assembly. Therefore, Appellant submits that the rejection of dependent Claim 3 under 35 U.S.C. §103(a) is improper and should be reversed.

Dependent Claim 7 depends from independent Claim 1 and further requires a synthetic layer to connect to the second planar side of the first sheet. Nowhere do *Vella, Zinbarg* and/or *Marshall et al.*, taken singly or in combination, teach or suggest the assembly of independent Claim 1 from which Claim 7 depends. Therefore, *Vella, Zinbarg* and *Marshall et al.*, taken singly or in combination, fail to teach or suggest the assembly of independent Claim 1 having a synthetic layer to connect to the second planar side of the first sheet. The differences between Claim 7 and the teachings of *Vella, Zinbarg* and *Marshall et al.* are such that the subject matter as a whole would not have been obvious at the time the invention was made to a person of ordinary skill in the art.

With the analysis of the deficiencies of *Vella, Zinbarg* and *Marshall et al.*, as enumerated above, no reason or suggestion in the evidence of record exists why one of ordinary skill in the art would have been led to combine *Vella, Zinbarg* and *Marshall et al.*,

to produce the claimed invention. Therefore, *prima facie* obviousness has not been established by the Patent Office as required under 35 U.S.C. §103. Dependent Claim 7 is further believed allowable over the references of record for the same reasons set forth above with respect to independent Claim 1 since it sets forth additional novel elements of Appellant's assembly. Therefore, Appellant submits that the rejection of dependent Claim 7 under 35 U.S.C. §103(a) is improper and should be reversed.

Dependent Claim 8 depends from independent Claim 1 and further requires indicia to form the image wherein the indicia has text. Nowhere do *Vella, Zinbarg* and/or *Marshall et al.*, taken singly or in combination, teach or suggest the assembly of independent Claim 1 from which Claim 8 depends. Therefore, *Vella, Zinbarg* and *Marshall et al.*, taken singly or in combination, fail to teach or suggest the assembly of independent Claim 1 having indicia to form the image wherein the indicia has text. The differences between Claim 8 and the teachings of *Vella, Zinbarg* and *Marshall et al.* are such that the subject matter as a whole would not have been obvious at the time the invention was made to a person of ordinary skill in the art.

With the analysis of the deficiencies of *Vella, Zinbarg* and *Marshall et al.*, as enumerated above, no reason or suggestion in the evidence of record exists why one of ordinary skill in the art would have been led to combine *Vella, Zinbarg* and *Marshall et al.*,

to produce the claimed invention. Therefore, *prima facie* obviousness has not been established by the Patent Office as required under 35 U.S.C. §103. Dependent Claim 8 is further believed allowable over the references of record for the same reasons set forth above with respect to independent Claim 1 since it sets forth additional novel elements of Appellant's assembly. Therefore, Appellant submits that the rejection of dependent Claim 8 under 35 U.S.C. §103(a) is improper and should be reversed.

Dependent Claim 9 depends from independent Claim 1 and further requires a decorative design to form the image wherein the decorative design has a pictorial representation. Nowhere do *Vella, Zinbarg* and/or *Marshall et al.*, taken singly or in combination, teach or suggest the assembly of independent Claim 1 from which Claim 9 depends. Therefore, *Vella, Zinbarg* and *Marshall et al.*, taken singly or in combination, fail to teach or suggest the assembly of independent Claim 1 having a decorative design to form the image wherein the decorative design has a pictorial representation. The differences between Claim 9 and the teachings of *Vella, Zinbarg* and *Marshall et al.* are such that the subject matter as a whole would not have been obvious at the time the invention was made to a person of ordinary skill in the art.

With the analysis of the deficiencies of *Vella, Zinbarg* and *Marshall et al.*, as enumerated above, no reason or suggestion in the evidence of record exists why one of ordinary skill in the art

would have been led to combine *Vella, Zinbarg and Marshall et al.*, to produce the claimed invention. Therefore, *prima facie* obviousness has not been established by the Patent Office as required under 35 U.S.C. §103. Dependent Claim 9 is further believed allowable over the references of record for the same reasons set forth above with respect to independent Claim 1 since it sets forth additional novel elements of Appellant's assembly. Therefore, Appellant submits that the rejection of dependent Claim 9 under 35 U.S.C. §103(a) is improper and should be reversed.

Dependent Claim 11 depends from independent Claim 10 and further requires indicia to form the image wherein the indicia has text. Nowhere do *Vella, Zinbarg* and/or *Marshall et al.*, taken singly or in combination, teach or suggest the system of independent Claim 10 from which Claim 11 depends. Therefore, *Vella, Zinbarg and Marshall et al.*, taken singly or in combination, fail to teach or suggest the system of independent Claim 10 having indicia to form the image wherein the indicia has text. The differences between Claim 11 and the teachings of *Vella, Zinbarg and Marshall et al.* are such that the subject matter as a whole would not have been obvious at the time the invention was made to a person of ordinary skill in the art.

With the analysis of the deficiencies of *Vella, Zinbarg and Marshall et al.*, as enumerated above, no reason or suggestion in the evidence of record exists why one of ordinary skill in the art

would have been led to combine *Vella, Zinbarg and Marshall et al.*, to produce the claimed invention. Therefore, *prima facie* obviousness has not been established by the Patent Office as required under 35 U.S.C. §103. Dependent Claim 11 is further believed allowable over the references of record for the same reasons set forth above with respect to independent Claim 10 since it sets forth additional novel elements of Appellant's system. Therefore, Appellant submits that the rejection of dependent Claim 11 under 35 U.S.C. §103(a) is improper and should be reversed.

Dependent Claim 12 depends from independent Claim 10 and further requires a light reflective layer to attach to the front side wherein the light reflective layer extends from the front side of the plurality of magnetic sheets. Nowhere do *Vella, Zinbarg* and/or *Marshall et al.*, taken singly or in combination, teach or suggest the system of independent Claim 10 from which Claim 12 depends. Therefore, *Vella, Zinbarg and Marshall et al.*, taken singly or in combination, fail to teach or suggest the system of independent Claim 10 having a light reflective layer to attach to the front side wherein the light reflective layer extends from the front side of the plurality of magnetic sheets. The differences between Claim 12 and the teachings of *Vella, Zinbarg and Marshall et al.* are such that the subject matter as a whole would not have been obvious at the time the invention was made to a person of ordinary skill in the art.

With the analysis of the deficiencies of *Vella, Zinbarg* and *Marshall et al.*, as enumerated above, no reason or suggestion in the evidence of record exists why one of ordinary skill in the art would have been led to combine *Vella, Zinbarg* and *Marshall et al.*, to produce the claimed invention. Therefore, *prima facie* obviousness has not been established by the Patent Office as required under 35 U.S.C. §103. Dependent Claim 12 is further believed allowable over the references of record for the same reasons set forth above with respect to independent Claim 10 since it sets forth additional novel elements of Appellant's system. Therefore, Appellant submits that the rejection of dependent Claim 12 under 35 U.S.C. §103(a) is improper and should be reversed.

Dependent Claim 14 depends from independent Claim 10 and further requires a protective layer to attach to the front sides of the plurality of magnetic sheets wherein the protective layer is transparent. Nowhere do *Vella, Zinbarg* and/or *Marshall et al.*, taken singly or in combination, teach or suggest the system of independent Claim 10 from which Claim 14 depends. Therefore, *Vella, Zinbarg* and *Marshall et al.*, taken singly or in combination, fail to teach or suggest the system of independent Claim 10 having a protective layer to attach to the front sides of the plurality of magnetic sheets wherein the protective layer is transparent. The differences between Claim 14 and the teachings of *Vella, Zinbarg* and *Marshall et al.* are such that the subject matter as a whole

would not have been obvious at the time the invention was made to a person of ordinary skill in the art.

With the analysis of the deficiencies of *Vella, Zinbarg* and *Marshall et al.*, as enumerated above, no reason or suggestion in the evidence of record exists why one of ordinary skill in the art would have been led to combine *Vella, Zinbarg* and *Marshall et al.*, to produce the claimed invention. Therefore, *prima facie* obviousness has not been established by the Patent Office as required under 35 U.S.C. §103. Dependent Claim 14 is further believed allowable over the references of record for the same reasons set forth above with respect to independent Claim 10 since it sets forth additional novel elements of Appellant's system. Therefore, Appellant submits that the rejection of dependent Claim 14 under 35 U.S.C. §103(a) is improper and should be reversed.

Dependent Claim 16 depends from independent Claim 15 and further requires the step of printing indicia on the front sides wherein the indicia has text associated with the decorative design. Nowhere do *Vella, Zinbarg* and/or *Marshall et al.*, taken singly or in combination, teach or suggest the method of independent Claim 15 from which Claim 16 depends. Therefore, *Vella, Zinbarg* and *Marshall et al.*, taken singly or in combination, fail to teach or suggest the method of independent Claim 15 having the step of printing indicia on the front sides wherein the indicia has text associated with the decorative design. The differences between

Claim 16 and the teachings of *Vella, Zinbarg and Marshall et al.* are such that the subject matter as a whole would not have been obvious at the time the invention was made to a person of ordinary skill in the art.

With the analysis of the deficiencies of *Vella, Zinbarg and Marshall et al.*, as enumerated above, no reason or suggestion in the evidence of record exists why one of ordinary skill in the art would have been led to combine *Vella, Zinbarg and Marshall et al.*, to produce the claimed invention. Therefore, *prima facie* obviousness has not been established by the Patent Office as required under 35 U.S.C. §103. Dependent Claim 16 is further believed allowable over the references of record for the same reasons set forth above with respect to independent Claim 15 since it sets forth additional novel steps of Appellant's method. Therefore, Appellant submits that the rejection of dependent Claim 16 under 35 U.S.C. §103(a) is improper and should be reversed.

Dependent Claim 17 depends from independent Claim 15 and further requires the step of laminating a protective layer to the front sides of the plurality of magnetic sheets. Nowhere do *Vella, Zinbarg* and/or *Marshall et al.*, taken singly or in combination, teach or suggest the method of independent Claim 15 from which Claim 17 depends. Therefore, *Vella, Zinbarg and Marshall et al.*, taken singly or in combination, fail to teach or suggest the method of independent Claim 15 having the step of laminating a protective

layer to the front sides of the plurality of magnetic sheets. The differences between Claim 17 and the teachings of *Vella, Zinbarg* and *Marshall et al.* are such that the subject matter as a whole would not have been obvious at the time the invention was made to a person of ordinary skill in the art.

With the analysis of the deficiencies of *Vella, Zinbarg* and *Marshall et al.*, as enumerated above, no reason or suggestion in the evidence of record exists why one of ordinary skill in the art would have been led to combine *Vella, Zinbarg* and *Marshall et al.*, to produce the claimed invention. Therefore, *prima facie* obviousness has not been established by the Patent Office as required under 35 U.S.C. §103. Dependent Claim 17 is further believed allowable over the references of record for the same reasons set forth above with respect to independent Claim 15 since it sets forth additional novel steps of Appellant's method. Therefore, Appellant submits that the rejection of dependent Claim 17 under 35 U.S.C. §103(a) is improper and should be reversed.

Dependent Claim 18 depends from independent Claim 15 and further requires the step of attaching a protective layer to the front sides of the plurality of magnetic sheets. Nowhere do *Vella, Zinbarg* and/or *Marshall et al.*, taken singly or in combination, teach or suggest the method of independent Claim 15 from which Claim 18 depends. Therefore, *Vella, Zinbarg* and *Marshall et al.*, taken singly or in combination, fail to teach or suggest the method

of independent Claim 15 having the step of laminating a protective layer to the front sides of the plurality of magnetic sheets. The differences between Claim 18 and the teachings of *Vella*, *Zinbarg* and *Marshall et al.* are such that the subject matter as a whole would not have been obvious at the time the invention was made to a person of ordinary skill in the art.

With the analysis of the deficiencies of *Vella*, *Zinbarg* and *Marshall et al.*, as enumerated above, no reason or suggestion in the evidence of record exists why one of ordinary skill in the art would have been led to combine *Vella*, *Zinbarg* and *Marshall et al.*, to produce the claimed invention. Therefore, *prima facie* obviousness has not been established by the Patent Office as required under 35 U.S.C. §103. Dependent Claim 18 is further believed allowable over the references of record for the same reasons set forth above with respect to independent Claim 15 since it sets forth additional novel steps of Appellant's method. Therefore, Appellant submits that the rejection of dependent Claim 18 under 35 U.S.C. §103(a) is improper and should be reversed.

**C. THE CITED REFERENCES AND THE REJECTIONS  
OF CLAIMS 4-6, 13, 19 AND 20  
UNDER 35 U.S.C. §103(a)**

Claims 4-6, 13, 19 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Vella* in view of *Zinbarg* and *Marshall et al.* as applied to Claims 1, 10 and 15, and further in view of *Blyden et al.*

In the Final Rejection, the Examiner stated:

*Blyden et al.* teaches a magnetic sign 1 having a magnetic layer 8 and a weather resistant first layer 3 with an ink or printed design thereon. Column 3, lines 1-18. The design can be a vinyl paint, illumined paint, reflective paint or photographic pictures. See column 4, lines 33-42.

It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the magnetic garage door pad taught by *Vella* and *Zinbarg* with reflective and/or illuminated paint as taught by *Blyden et al.* to provide a means to increase the visibility of the pad.

(See Final Rejection, Page 4 of Exhibit A of the Supplemental Appendix.)

**D. CLAIMS 4-6, 13, 19 AND 20 WOULD NOT  
HAVE BEEN OBVIOUS TO ONE HAVING ORDINARY SKILL  
IN THE ART AT THE TIME OF APPELLANT'S INVENTION  
OVER VELLA IN VIEW OF ZINBARG AND MARSHALL ET AL.,  
AND FURTHER IN VIEW OF BLYDEN ET AL.**

Independent Claims 1, 10 and 15 define Appellant's assembly, system and method, respectively, and require the elements and/or steps as set forth above. Claims 4-6 depend from independent Claim 1 and further require a light emitting material to attach to the second planar side of the first sheet; a light reflective layer to attach to the second planar side of the first sheet; and a light reflective layer to attach to the image, respectively. Further, Claim 13 depends from independent Claim 10 and further requires a light emitting material to attach to the front side wherein the light emitting material illuminates. Still further, Claims 19 and 20 dependent from independent Claim 15 and further require the steps of attaching a light emitting material to the front sides of

the plurality of magnetic sheets wherein the light emitting material illuminates to emit light from the front sides of the plurality of magnetic sheets; and attaching a light reflective layer to the front sides of the plurality of magnetic sheets wherein the light reflective layer reflects light from the front sides of the plurality of magnetic sheets, respectively.

Nowhere do *Vella, Zinbarg, Marshall et al.* or *Blyden et al.*, taken singly or in combination, teach or suggest an assembly, system, or method used for decorating a garage door, as required by independent Claims 1, 10 and 15. The additional art cited in the Final Rejection by the Examiner to *Blyden et al.* merely disclose a decorative ornament for a hood of an automobile. *Blyden et al.* merely teach that symbols, statements, pictures and artistic expression can be applied to a magnetic mat, exclusively for the hood of an automobile. (See *Blyden et al.*, col. 2, lines 57-59.) On the contrary, Appellant's invention requires an assembly, system and/or method used for decorating a garage door having segmented panels.

*Blyden et al.* fail to teach or to suggest the elements of Appellant's assembly which are not taught by *Vella, Zinbarg* and/or *Marshall et al.*, taken singly or in combination, as required by independent Claim 1 from which Claims 4, 5 and 6 depend. Further, *Blyden et al.* fail to teach or to suggest the elements of Appellant's system which are not taught by *Vella, Zinbarg* and/or

*Marshall et al.*, taken singly or in combination, as required by independent Claim 10 from which Claims 13 depends. Moreover, *Blyden et al.* fail to teach or to suggest the steps of Appellants method which are not taught by *Vella, Zinbarg* and/or *Marshall et al.*, taken singly or in combination, as required by independent Claim 15 from which Claims 19 and 20 depend.

One of ordinary skill in the art would never have been motivated to combine *Vella, Zinbarg, Marshall et al.* and/or *Blyden et al.* in the manner suggested by the Patent Office in formulating the rejection of the claims under 35 U.S.C. §103(a). It is submitted that the question under §103(a) is whether the totality of the art would collectively suggest the claimed invention to one of ordinary skill in this art. *In re Simon*, 461 F.2d 1387, 174 USPQ 114 (CCPA 1972).

That elements, even distinguishing elements, are disclosed in the art is alone insufficient. It is common to find elements somewhere in the art. Moreover, most, if not all, elements perform their ordained and expected functions. The test is whether the invention as a whole, in light of the teachings of the references in their entireties, would have been obvious to one of ordinary skill in the art at the time the invention was made. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983).

It is insufficient that the art disclosed components of Appellant's assembly, system and method. A teaching, suggestion, or incentive must exist to make the combination made by Applicant.

*Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1988).

Moreover, a motivation to combine does not exist merely because references are analogous art, as alleged by the Patent Office. The references must expressly or impliedly suggest the claimed invention, or the Patent Office must present a convincing line of reasoning as to why Appellant would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

With the analysis of the deficiencies of *Vella*, *Zinbarg*, *Marshall et al.* and *Blyden et al.* in mind, as enumerated above, no reason or suggestion in the evidence of record exists why one of ordinary skill in the art would have been led to combine *Vella*, *Zinbarg*, *Marshall et al.* and *Blyden et al.* to produce the claimed invention.

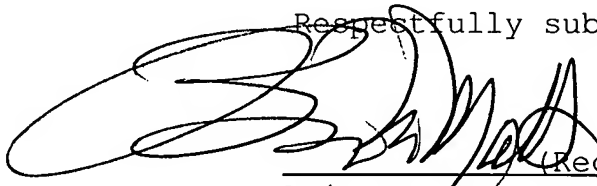
Further, Appellant submits that the Patent Office is merely "piece-mealing" references together, providing various teachings and positively defined limitations of Appellant's assembly, system and method for decorating a garage door having segmented panels. Of course, hindsight reconstruction of Appellant's invention is impermissible. Therefore, *prima facie* obviousness has not been established by the Patent Office as required under 35 U.S.C. §103(a). In view of the foregoing, Appellant respectfully submits that dependent Claims 4-6, 13, 19 and 20 distinctly define the

present invention from Vella, Zinbarg, Marshall et al. and Blyden et al., taken singly or in combination. Accordingly, the rejection of Claims 4-6, 13, 19 and 20 under 35 U.S.C. §103(a) is improper and should be reversed.

**CONCLUSION**

For the foregoing reasons, Appellant respectfully submits that the rejection of Claims 1-20 is erroneous as a matter of law and fact and respectfully requests the Board to reverse the rejection.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Brian M. Mattson', is written over the signature line.

(Reg. No. 35,018)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPELLANT: Koeller

ATTY. DOCKET NO.: KOE-P-03-001

SERIAL NO.: 10/681,635

GROUP ART UNIT: 3611

DATE FILED: October 8, 2003

EXAMINER: Davis

INVENTION: "A MAGNETIC IMAGE ASSEMBLY TO MOUNT ON GARAGE DOOR  
PANELS AND A SYSTEM AND A METHOD FOR DECORATING A  
GARAGE DOOR"

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

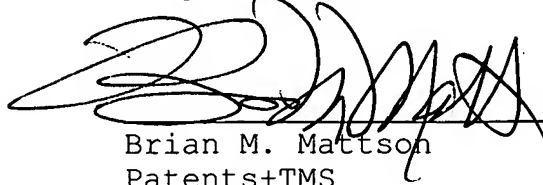
APPELLANTS' APPEAL BRIEF TRANSMITTAL LETTER

SIR/MADAM:

Appellant submits herewith Appellant's Appeal Brief in support of the Notice of Appeal filed November 19, 2007 in conjunction with the Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR §1.137(b) dated November 19, 2007. The Office of Petitions issued an affirmative decision on the Petition on January 3, 2008. Appellant encloses a check for \$255.00 for submission of this Appeal Brief. Applicant hereby petitions the Commissioner for a one-month extension of time so that the period for response is extended to April 3, 2008. Enclosed is a check in the amount of \$60.00 for the one-month extension of time fee. Appellant authorizes the Patent Office to charge any fees that may be due and owing or to credit any overpayment to

Deposit Account No. 50-0595. A duplicate copy of this sheet is enclosed for this purpose.

Respectfully submitted,

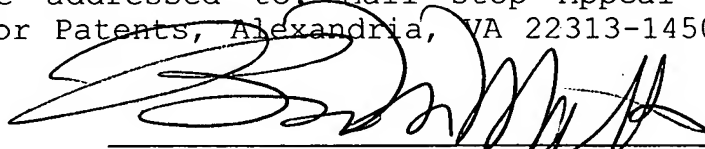


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**CERTIFICATE OF MAILING**

I hereby certify that this **APPEAL BRIEF with CLAIMS APPENDIX CONTAINING CLAIMS 1-20, EVIDENCE APPENDIX CONTAINING EXHIBITS A, B, C, D and E and RELATED PROCEEDINGS APPENDIX, TRANSMITTAL (in duplicate), check for \$255.00 and check for \$60.00** are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, Alexandria, VA 22313-1450 on March 14, 2008.



Brian M. Mattson (Reg. No. 35,018)



#### VIII. CLAIMS APPENDIX

Claim 1: A magnetic cover assembly for mounting on two or more garage door panels, the assembly comprising:

a first sheet having a first planar side and a second planar side wherein the first planar side of the first sheet is oppositely juxtaposed to the second planar side of the first sheet wherein the first planar side of the first sheet is attached to the second planar side of the first sheet with a bonding layer wherein the first planar side of the first sheet is a first magnetic layer to removably and magnetically attach the first sheet to a first garage door panel wherein the first planar side of the first sheet has a first thickness defined between a top surface and a bottom surface of the first planar side of the first sheet wherein the bottom surface of the first planar side contacts the first garage door panel wherein the second planar side of the first sheet has a second thickness defined between a front surface and a rear surface of the second planar side of the first sheet wherein the rear surface is adjacent to the top surface of the first planar side of the first sheet and further wherein the first thickness is greater than the second thickness; and

a second sheet having a first planar side and a second planar side wherein the first planar side of the second sheet is oppositely juxtaposed to the second planar side of the second sheet wherein the first planar side of the second sheet is a second

magnetic layer to removably and magnetically attach the second sheet to a second garage door panel wherein the second sheet has a length defined by a first end and a second end wherein the second sheet has a width defined between a top end and a bottom end wherein the length is greater than the width wherein the first sheet and the second sheet align to create an image encompassing the first garage door panel and the second garage door panel wherein the first sheet and the second sheet have no wires and are not electrically connectable.

Claim 2: The assembly of Claim 1 further comprising:

an image on the second planar side of the first sheet.

Claim 3: The assembly of Claim 1 further comprising:

a protective layer to connect to the second planar side of the first sheet.

Claim 4: The assembly of Claim 1 further comprising:

a light emitting material to attach to the second planar side of the first sheet.

Claim 5: The assembly of Claim 1 further comprising:

a light reflective layer to attach to the second planar side of the first sheet.

Claim 6: The assembly of Claim 1 further comprising:

a light reflective layer to attach to the image.

Claim 7: The assembly of Claim 1 further comprising:

a synthetic layer to attach to the second planar side of the

first sheet.

Claim 8: The assembly of Claim 1 further comprising:

indicia to form the image wherein the indicia has text.

Claim 9: The assembly of Claim 1 further comprising:

a decorative design to form the image wherein the decorative design has a pictorial representation.

Claim 10: A decorative display system for a door, the system comprising:

a plurality of door panels that connect to the door;

a plurality of magnetic sheets wherein each of the plurality of sheets has a front side and a backside wherein the front side is opposite to the backside wherein the front side is attached to the backside with a bonding layer wherein the backside removably and magnetically attaches to the plurality of door panels wherein each of the magnetic sheets has a length defined between a first end and a second end wherein each of the magnetic sheets has a width defined between a top end and a bottom end; and

an image printed on the front sides of the plurality of magnetic sheets wherein a design is created by aligning the plurality of magnetic sheets on the plurality of door panels wherein the plurality of magnetic sheets align along the length to create the design wherein the plurality of magnetic sheets are aligned without wires and without electrical connection between each of the plurality of magnetic sheets.

Claim 11: The system of Claim 10 further comprising:

indicia to form the image wherein the indicia has text.

Claim 12: The system of Claim 10 further comprising:

a light reflective layer to attach to the front side wherein the light reflective layer extends from the front side of the plurality of magnetic sheets.

Claim 13: The system of Claim 10 further comprising:

a light emitting material to attach to the front side wherein the light emitting material illuminates.

Claim 14: The system of Claim 10 further comprising:

a protective layer to attach to the front sides of the plurality of magnetic sheets wherein the protective layer is transparent.

Claim 15: A method for decorating a garage door wherein the garage door is divided into garage door panels wherein each of the garage door panels has a surface area defined by a length of the garage door panel and a width of the garage door panel wherein the length of the garage door panel is defined between a first end and a second end and the width of the garage door panel is defined between a top end and a bottom end, the method comprising the steps of:

creating a decorative design;

separating the decorative design into a plurality of segmented images;

printing the plurality of segmented images on a corresponding plurality of magnetic sheets have a magnetic backing wherein the plurality of magnetic sheets have front sides that receive the plurality of segmented images wherein the plurality of magnetic sheets are sized to attach the plurality of magnetic sheets with the magnetic backing to a majority of the surface area of each of the garage door panels; and

removably and magnetically attaching each of the magnetic sheets to a corresponding one of each of the garage door panels to form the decorative design wherein the plurality of magnetic sheets extend from a first edge positioned at the first end of the garage door panel to a second edge positioned at the second end of the garage door panel wherein the plurality of magnetic sheets have no wires and are not electrically connected.

Claim 16: The method of Claim 15 further comprising the step of:

printing indicia on the front sides wherein the indicia has text associated with the decorative design.

Claim 17: The method of Claim 15 further comprising the step of:

laminating a protective layer to the front sides of the plurality of magnetic sheets.

Claim 18: The method of Claim 15 further comprising the step of:

attaching a protective layer to the front sides of the plurality of magnetic sheets.

Claim 19: The method of Claim 15 further comprising the step of:

attaching a light emitting material to the front sides of the plurality of magnetic sheets wherein the light emitting material illuminates to emit light from the front sides of the plurality of magnetic sheets.

Claim 20: The method of Claim 15 further comprising the step of:

attaching a light reflective layer to the front sides of the plurality of magnetic sheets wherein the light reflective layer reflects light from the front sides of the plurality of magnetic sheets.

IX. EVIDENCE APPENDIX

EXHIBIT A: Final Rejection dated April 5, 2007

EXHIBIT B: *Vella* (U.S. Patent Publication No. 2005/0055921)

EXHIBIT C: *Zinbarg* (U.S. Patent No. 5,943,803)

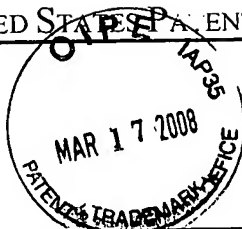
EXHIBIT D: *Marshall et al.* (U.S. Patent No. 5,503,891)

EXHIBIT E: *Blyden et al.* (U.S. Patent No. 6,217,958)

EXHIBIT A



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/681,635

10/08/2003

David Koeller

KOE-P-03-001

6112

7590

04/05/2007

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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT

PAPER NUMBER

3611

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary



Application No.

10/681,635

Examiner

Cassandra Davis

Applicant(s)

KOELLER, DAVID

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1029 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3, 7-12, 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vella, US 20050055921A1 in view of Zinbarg, U. S. Patent 5,943,803 and Marshall, US 5503891.
3. With respect to claims 1, 2, 10, Vella teaches a plurality of magnetic garage door pads. (See figure 1a). The pads comprise a first sheet 20 having a first planar side 30 and a second planar side 40 wherein the first planar side is oppositely juxtaposed to the second planar side and wherein the first planar side is a magnetic layer for removably attaching the first sheet to the garage door panel. The first planar side 30 has a first thickness defined between a top surface and a bottom surface of the first planar side 30. The second planar side 40 has a second thickness defined between a front surface and a rear surface of the second planar side wherein the rear surface is adjacent to the top surface. Vella also teaches the first thickness (the thickness of the magnetic side 30) is greater than the second thickness (the thickness of the intermediate layer 40). (See figure 4). In addition, Vella teaches the second side has graphical representation 50 and a protective coating 60 over the graphical representation.

4. Vella does not teach the plurality of pads aligned to create an image that encompass more than one of the garage door panels or the thickness of the magnetic layer greater than the thickness of the first planar side.

5. Zinbarg teaches a garage door cover comprising a plurality of covers adapted to adhesively cover the entire surface of each garage door panel. Wherein each cover has a portion of an image such that when placed on the panels of the garage door a composite image is presented. (See figure 1).

6. Marshall teaches a flexible magnetic mat comprising a magnetic surface 14 and a display surface 12 laminated to the magnetic surface using an adhesive, wherein the adhesive corresponds to the bonding layer. See column 2, lines 40-62. In addition, Marshall teaches the thickness of the magnetic layer at its lower limits to be 0.25 mm and the thickness of the display surface 12 at its lower limit to be 0.175, wherein the thickness of the magnetic layer is greater than the thickness of the display surface.

7. Since Vella teaches the pad can be cut to a user-defined shape and size, it would have been obvious to one having ordinary skill in the art at the time this invention was made to provide a plurality of magnetic pads taught by Vella cut into long strips as taught by Zinbarg to provide a means to cover the entire surface area of the each panel of a garage door to enhance the aesthetic appearance of the door or to convey a desired message. In addition, it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the magnetic and display sheet taught by Vella and Zinbarg laminated together as taught by Marshall to provide a means to permanently secure the sheets together.

8. With respect to claim 3, 7, 14 and 18, Vella teaches a protective layer 60.

9. With respect to claim 8, 9, 11, 16, Vella, Marshall and Zinbarg teach indicia or graphics on the panels. Since textual indicia do not have an unobvious functional relationship with the panel, it appears using any suitable indicia would perform equally well in conveying a desired message. It would have been obvious at the time this invention was made to place whatever desired indicia on the panel to convey a desired message.

10. With respect to claims 15, Zinbarg teaches providing a garage door having a plurality of panel, providing a sheet with graphic or indicia thereon, cutting the sheet to the size of each garage door panel and attaching the cut sheet to the panels.

11. Claims 4, 5, 6, 13, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Villa in view of Zinbarg and Marshall as applied to claims 1, 10, and 14 above, and further in view of Blyden et al., U. S. Patent 6,217,958.

12. Blyden teaches a magnetic sign 1 having a magnetic layer 8 and a weather resistant first layer 3 with an ink or printed design thereon. Column 3, lines 1-18. The design can be a vinyl paint, illumined paint, reflective paint or photographic pictures. See column 4, lines 33-42.

13. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the magnetic garage door pad taught by Villa and Zinbarg with reflective and/or illumined paint as taught by Blyden to provide a means to increase the visibility of the pad.


#### ***Response to Arguments***

14. Applicant's arguments with respect to claims 1, 10, and 14 have been considered but are moot in view of the new ground(s) of rejection.

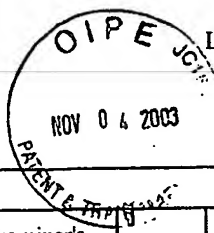

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
April 2, 2007

Form PTO 1449		U.S. Department of Commerce Patent and Trademark Office			Docket No. KOE-P-03-001		Serial No. 10/681,635	
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: left;">  </div> <div> <b>LIST OF ART CITED BY APPLICANT</b>            (Use several sheets if necessary)         </div> </div>					Applicant: Koeller			
					Filing Date October 8, 2003		Group Art Unit Unassigned	
<b>U.S. PATENT DOCUMENTS</b>								
Examiner's Initials		Document Number	Date	Name	Class	Subclasses	Filing Date If appropriate	
		6,395,369	May 28, 2002	Randone	428	99		
		6,367,204	Apr. 9, 2002	Eichler	52	3		
		6,354,030	Mar. 12, 2002	Harris	40	711		
		D425,820	May 30, 2000	Coleman	D11	129		
		6,065,258	May 23, 2000	McClatchy	52	238.1		
		6,059,005	May 9, 2000	Zinbarg	160	90		
		5,946,869	Sep. 7, 1999	Zinbarg	52	202		
		5,943,803	Aug. 31, 1999	Zinbarg	40	611		
		5,937,587	Aug. 17, 1999	Zinburg	52	3		
		5,666,712	Sep. 16, 1997	Cvetkov	29	458		
		5,203,847	Apr. 20, 1993	Butt	273	157		
		5,128,295	Jul. 7, 1992	Porri et al.	502	117		
		5,103,593	Apr. 14, 1992	McNaughton	40	460		
		4,635,410	Jan. 13, 1987	Chumbley	52	63		
		3,987,567	Oct. 26, 1976	Fritts	40	125		
<b>FOREIGN PATENT DOCUMENTS</b>								
		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
<b>OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)</b>								
Examiner		/Cassandra Davis/		Date Considered		04/02/2007		
<b>*EXAMINER:</b> Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.								

Docket No.  
KOE-P-03-001

Serial No.  
10/681,635

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**U.S. PUBLISHED PATENT APPLICATIONS**

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Date Considered \_\_\_\_\_

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EXHIBIT B